

Department of Human Services

Articles in Today's Clips Friday, October 19, 2007

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State examines decision to keep boy with dad

Friday, October 19, 2007

By John Agar

The Grand Rapids Press

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MONTCALM COUNTY -- The state is launching an investigation into why a 9-year-old boy was left in his father's custody after the man pleaded guilty to child abuse for using an electric cattle prod to discipline two older sons.

"Why was a child left in his care there?" state Sen. Alan Cropsey, R-DeWitt, asked Thursday. "We're going to need to hear from all sides of it, but it's a very serious question."

Cropsey's district includes Montcalm County, where Nicholas "Elmer" Braman died in a bed with his father, Oliver Braman, 46, and the father's new wife, Nancy Kaczor-Braman, 43. The three ingested nighttime pain relievers and breathed carbon monoxide the father had pumped into their Douglass Township home Sunday night, police said.

Authorities found the bodies Tuesday after the father missed a court-related meeting a day earlier.

The deaths led the Montcalm County prosecutor to question why Children's Protective Services workers did not remove the 9-year-old from the home, as her office had requested following the abuse case.

The Michigan Department of Human Services and its Office of Family Advocate are investigating how the state's protective services workers in Montcalm County handled the case, said Karen Stock, DHS communications director.

"Any time a child dies and the department has been involved with the family, we look at every action and every decision made by the department in the case, and we also look at our policies and practices to determine if changes are needed to better protect children," Stock said Thursday.

Philip Larson, director of the DHS district that includes Montcalm County, referred calls for comment to the Lansing office. Ismael Ahmed, appointed DHS director in September, would not comment beyond Stock's statement, his office said.

Oliver Braman faced a November sentencing for using a cattle prod in August on his 14- and 15-year-old sons.

Those boys fled the house in the middle of the night and went to Saginaw to live with their mother. Braman pleaded guilty in September to attempted second-degree child abuse. He faced jail and probation, court records showed.

Since Sept. 14, an assistant Montcalm County prosecutor had been asking Children's Protective Services workers to have Nicholas Braman removed from the home, according to e-mails provided by her office.

As recently as Tuesday, just hours before the bodies were found, a protective services worker e-mailed the prosecutor, "We've never felt that Nicholas was at risk."

In the e-mail exchange, protective services worker Sheri Tyler described Oliver Braman as cooperative. She said he was taking parenting classes and had made a counseling appointment for his son to help

prepare for his dad's upcoming incarceration.

She told the prosecutor that the guardian representing Braman's sons "always thought the boys should be with dad and not mom."

Terese Paletta, the lawyer who represented the boys during custody proceedings between Oliver Braman and ex-wife Rebecca Jasinski of Saginaw, said Thursday the father wasn't perfect, but was trying to be a good parent. Paletta last worked directly on the case in 2005, although she was to meet with Nicholas and Oliver Braman this week.

"I don't think anybody could have prevented or predicted what happened. Anyone who says otherwise is wrong," Paletta said. "It's a tragedy and there's always things that could have been done differently, but (fingerpointing) doesn't do any good at this point. I'll tell you everyone who ever had anything to do with this case is upset about what happened."

Case workers face tough calls

Maureen Sorbet, spokeswoman for the Department of Human Services, would not comment on this case, citing confidentiality laws, but said protective services workers frequently face difficult decisions that sometimes mean the difference between life and death.

"Our workers have to make these kinds of decisions every day," Sorbet said.

She said the job of a protective-services worker, charged with keeping children safe, is the "toughest" in her agency. The state's 840 workers investigate 70,000 cases a year.

State Sen. Bill Hardiman, R-Kentwood, like Cropsey, expected to call for hearings before the Senate Families and Human Services Committee.

"I want to make sure the department is doing what they need to do to protect the kids," Hardiman said. "No matter what we do, there's still going to be horrible tragedies. ... It's just amazing to me what people can do, especially to children."

One of those dealing with children in the aftermath is Jeff Trimper, who now has only 25 students left in his fourth-grade class at Central Montcalm's Upper Elementary School. Counselors broke the news of the 9-year-old's death to classmates there on Wednesday. The children spent the day talking to each other and writing letters about their memories of the boy they called "Elmer," which they'll send to his mother, Rebecca Jasinski of Saginaw.

"It's been tough. Everyone is dealing with it in their own way," Trimper said. "They miss their friend, and there's no easy way to go about it. They're not going to forget about him, and we can't let them. At the same time, we don't want them to dwell on it."

The 9-year-old did well in school and was bright, according to the teacher. However, it was noted he'd been missing school recently.

"We're all sad, and we're going to have to take it day by day," Trimper said.

-- Press staff writer Nate Reens contributed to this story.

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Article published Oct 19, 2007

Mom testifies in abuse hearing

Robert Warner

The Enquirer

As 7-week-old Emmanuel Moyer lay unresponsive in the hospital, the father allegedly told the child's mom that little Manny had hit his head on the arm of a chair.

Ellie Vaughn, Manny's mother, testified Thursday against Karl Moyer, the boy's father, during his preliminary hearing on a first-degree charge of child abuse in Calhoun County District Court.

Moyer, 22, faces up to 15 years in prison if he's convicted of the felony charge.

The hearing, held to determine whether there's enough evidence to order a circuit court trial on the charges, wasn't completed because a key prosecution witness was absent.

No date was set for resumption of the hearing. In the meantime, Moyer remains jailed in lieu of \$50,000 bail.

Manny was taken to Oaklawn Hospital in Marshall on Sept. 1 and later transferred to Kalamazoo's Bronson Methodist Hospital in critical condition with head injuries that doctors said were consistent with the child being shaken. Karl Moyer was arrested and charged with child abuse later that week. The child later was released from the hospital and is recovering under doctors' supervision.

Vaughn cried as she recalled happily posing with her then live-in boyfriend Moyer, Manny and her mother for pictures at Wal-Mart in Battle Creek earlier in the day.

When she got called in to work that afternoon, she left Manny with Moyer. Fewer than 90 minutes later, she got a call from him that "they were rushing Manny to the hospital because something was wrong with him."

She hurried to Oaklawn to find her baby "totally out of it," she said.

"His eyes were closed. He wasn't doing anything," Vaughn said.

Vaughn's mother, Dorothy Vaughn, had seen the same from the child when Moyer burst into her home, across the street from his in the Spruce Tree Mobile Home Park on 181/2-Mile Road in Marengo Township.

"There's something wrong with Manny," she quoted Moyer as saying.

She said the infant was unresponsive. After trying for about 15 minutes to get the child to regain consciousness, she decided they should drive him to the hospital.

After the baby was transferred to Bronson, Moyer offered an explanation to Ellie Vaughn, she said.

"Karl said that Manny pushed the bottle out of his mouth, and he just slipped and hit his head on the chair arm," Vaughn testified.

At Bronson, the baby was seen by a pediatric specialist, Dr. Aaron Lane-Davies, who also testified Thursday.

Lane-Davies said his observation of blood in the back of both of Manny's eyes, combined with a CT scan that showed bleeding into the fluid surrounding the brain and no outward signs of injury told him that "there was nothing consistent with a naturally occurring injury."

He said there can be other explanations for blood in the eyes, but that blood in both eyes, on several layers of eye tissue, correlates strongly with shaken-baby cases.

"My conclusion was that this was inflicted trauma that resulted from shaking," Lane-Davies said.

Moyer's attorney, John Sullivan of Marshall, sought to have Moyer's bail reduced in light of the prosecution-caused delay in the hearing. But District Judge Marvin Ratner, citing in part Moyer's one felony and three misdemeanor convictions, rejected the request.

STURGIS JOURNAL

Print this story

Student approached during wait for bus

Print Page

By Corky Emrick
Sturgis Journal

FLOWERFIELD TWP. - St. Joseph County Sheriff's deputies said a man tried to convince a girl to get into his car as she waited for the school bus Thursday morning in Flowerfield Township.

Police said the incident happened just before 7 a.m. in the driveway of her home on Johnson Road as she awaited the bus' arrival.

The man gave the girl instructions in a "threatening" tone, police said, but she refused to get into the vehicle. Police said the man left the area when another vehicle approached.

He drove south on Johnson Road in a mid- to dark-colored sedan-type vehicle.

The man is described as white, with short dark hair. He was wearing a light-colored hooded sweatshirt, police said.

Anyone with details may call police at 467-9045, 467-4195 or 911.

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Todoroff faces two felonies

Friday, October 19, 2007

By Steven Hepker%%par%%

shepker@citpat.com -- 768-4923%%par%%

A coney dog restaurateur was charged Thursday with allegedly making reports under false pretenses to Children's Protective Services on the families of two former teenage employees.

Kurt Todoroff, owner of Todoroff's Original Coney Island, 1200 W. Parnall Road, was found guilty in July of two misdemeanors for failing to pay wages to the teens in a timely fashion.

He charged employees \$20 for used shirts that cost \$18 new. He claimed the shirts were returned in disrepair, then held back payroll checks to those who refused to pay.

At his trial in District Court, witnesses said Todoroff made false complaints against them to child welfare agents because they confronted him.

Prosecutors allege Todoroff falsely reported one former employee raped his little sister, and that the parents of another former employee smoked marijuana with the boy.

District Judge R. Darryl Mazur on Thursday arraigned Todoroff on one count of making a false report of a felony, and one count of falsely reporting child abuse. Both are four-year felonies.

Todoroff was released on his own recognizance and was not arrested. He could not be reached for comment.

Among the alleged victims was Todd Mills, whose 17-year-old son, Tyler, was refused his last paycheck in July 2006 over a damaged shirt.

"He said he'd call Children's Protective Services and say we smoked pot with Tyler," Mills testified at Todoroff's trial. He made good on the threat, Mills said.

The agency investigated the complaint -- as it is required to do -- and ruled it was unfounded, Michigan State Police Detective Lisa Gee-Cram said.

Todoroff also is accused of falsely reporting that another teenage employee committed sexual assault on his little sister. Again, child welfare agents investigated -- including administering a rape kit -- and found no basis for the claim.

The damage was done, the boy's stepfather, John Heavy, said Thursday.

Heavy said Todoroff had threatened "he would make allegations from which I would never recover." His son was pulled from school for questioning by state agents within two weeks, Heavy said.

Although the complaints were filed anonymously, circumstantial evidence against Todoroff is strong, Gee-Cram said.

At his trial, Todoroff denied filing false reports with child-welfare officials.

Mazur, at the trial, determined Todoroff's actions were so flagrant that he convicted him of a one-year misdemeanor, rather than the usual 93-day misdemeanor.

“He threatened, he intimidated, he followed through,” Mazur said.

He ended up sentencing Todoroff to 40 hours of community service, after which his conviction can be wiped out.

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Red Tape Blog

Post details: Ricky Holland Case Aftermath

10/18/07

Ricky Holland Case Aftermath

Michigan's then-Department of Human Services chief told the media last December that 10 of her employees were being investigated for potentially botching this or that piece of the now-infamous "Ricky Holland" case.

But nearly a year after the fact, only one of the 10 was suspended. Two others have suspensions pending. Two other employees are firing back with employee grievances of their own.

The aforementioned duo claim Marianne Udow's announcement was a political sham, that Udow and Gov. Jennifer Granholm threw them under the bus to satisfy the appetite of a public that wanted any head to roll over the Ricky Holland tragedy.

Holland is the 7-year-old Williamston boy who disappeared in July 2005. The courts ruled in 2006 that his foster mother, Lisa Holland, murdered him. Foster father Tim Holland was found to be an accessory.

DHS, as the faceless and thankless state agency in charge of all things foster care, became a likely target for the public's wails and consternations about the injustice of it all. Surely, somebody, somewhere should have done something to prevent this.

A likely target became the state agency in charge of foster kids, the DHS. At the time, Udow's boss, Granholm, was fighting off an aggressive challenge from multi-millionaire Dick DeVos. Ricky's name popped up on the campaign trail at times, particularly in light of the seemingly unstoppable news coverage. But the administration kept tight-lipped about the entire situation until after DeVos was thumped on Election Day.

That's when Udow spoke of her investigation.

For the full editorial, see Kyle Melinn, ["Is DHS scapegoating workers?"](#), (Lansing) City Pulse, October 17-23, 2007.

WAYNE COUNTY

Private agencies to handle foster kids

State office lacks staff to handle caseload

October 19, 2007

BY JACK KRESNAK

FREE PRESS STAFF WRITER

In another sign of trouble for Michigan's foster care system, one of the state's four Department of Human Services offices in Wayne County has been relieved of its duty to manage the cases of more than 200 abused and neglected foster children.

The 266 cases have been transferred from the department's North Central Child and Family Services Office on Hamilton Avenue in Highland Park because of a severe staff shortage. The office, which supervises a total of more than 2,100 children, has 11 vacancies among the 81 positions it is allocated, state officials said.

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Most of the reassigned cases will be distributed to private foster care agencies in Wayne County based on geography. Efforts are being made to assign all of the cases in any one licensed foster home to the same private agency.

In all 266 cases, the foster parents will be able to choose whether to stay with the agency or switch. The children are not being moved.

For 30 days, private agencies will be held harmless for problems carried over from the Department of Human Services, such as missed medical appointments for foster children, said Jim Gale, director of the state Office of Child and Adult Licensing.

The North Central office will continue supervising more than 1,900 foster children who are in the unlicensed foster homes of relatives.

Foster care caseloads at the office were running about 40, or even 50, cases per worker, according to Ruth Mutchler, a union representative for UAW Local 6000, which represents department professionals such as social workers. Under state rules, caseworkers should handle no more than 30 cases each.

"It's all about staffing," Mutchler said. "You can't get the work done if you don't staff the programs."

For four years, the department has filled some critical positions under exceptions to a state hiring freeze. But after the Legislature repealed the state's Single Business Tax last year, Gov. Jennifer Granholm barred further hiring.

In April, the state licensing office gave the North Central office its third consecutive provisional license, which jeopardized its authority to place children.

After struggling for several months, Wayne County DHS officials decided that the only way to get caseloads down at the office was to farm out the cases to private agencies, said Karen Stock, a department spokeswoman.

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DETROIT

SOLVING CHILD CARE DILEMMAS: Shelter's new center to watch over kids while parents search for work

October 19, 2007

BY CHASTITY PRATT DAWSEY

FREE PRESS EDUCATION WRITER

Tyrika Henley, 21, knows how hard it is to find a job in Michigan's harsh economy. Add to that the pressure of having to find a place to live. And all the errands that both entail. And having to find a babysitter for a toddler.

For the past week and half, she has stayed at the Coalition on Temporary Shelter, where staff members have helped her out with her 2-year-old daughter, Arianna Castleberry, for an hour here or there while she sought work or financial assistance.

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"I don't know what I would do if I had an interview," she said. "I really can't tell you."

COTS is preparing to offer a hand to Henley and other parents who have to find a way forward with small children in tow.

Bright Beginnings, a certified infant day care operating in the facility near the Cass corridor in Detroit, is scheduled to open late this month or early next month to provide child care for children ages 4 months to 2 1/2 years old in homeless families who use or have used the shelter within the past year.

Funded by about \$500,000 in donations, the center is whimsically furnished. It will have room for 15 children enrolled for daily care, with room for two more whose parents need last-minute drop-in child care. And it has a camera that will allow parents to check in on their children remotely.

Bright Beginnings will cost about \$180,000 annually to operate, though parents should not have to pay out of pocket to use it. Staff will help apply for assistance from the Department of Human Services to cover the \$100-a-child weekly cost, , Johnson said.

The center should open as soon as it gets a provisional license from the department, said Sharyn Johnson, the shelter's deputy director of programs. That should happen in the next two weeks, she said.

The shelter typically has about 100 families with children come through its doors a year; they stay an average of six weeks, Johnson said. About 20% have babies who are too young to attend the other two child care centers the shelter runs.

Some have a few children, or come to the shelter from the hospital with newborns, she said. Parents would sign written babysitting contracts with others at the shelter.

"It's worked out, but the child doesn't get any stimulation that way," Johnson said. "This," she said looking around the "Bright Beginnings" center Wednesday, "is not babysitting."

Barbara DeBarge, director of the center, said staff will use an educational approach for infants and toddlers developed by High/Scope, an Ypsilanti-based organization.

"We will treat the children like it's the last day we'll see them" -- with plenty of love, she said.

"You might have a child for a couple of days, you might have a child for a couple of weeks, or months."

The center is just the kind of place Henley is looking for while she searches for a job. She took a registration packet Wednesday in hopes of being one of the first registrants.

"It's so nice, so pretty," she said.

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Article published Oct 19, 2007

Teen charged in bus assault

Stephanie Antonian Rutherford

The Enquirer

Devin Stewart, the Battle Creek teenager who police said shot at a school bus, was charged Thursday with 53 counts of assault and weapons charges stemming from the September incident.

Stewart, 16, was charged after he allegedly fired a gun five times, hitting a Battle Creek Public Schools bus near Garfield Avenue and West Street on Sept. 12.

Stewart sat somberly Thursday in Calhoun County Circuit Court as three witnesses — all juvenile passengers on the bus — repeatedly identified Stewart as the shooter.

The three youths said they saw Stewart raise a small gun, wave it in the air and fire a shot at the bus before they ducked for cover.

Battle Creek police said at least 27 students and the driver were on the bus when the shots were fired. Investigators said a few other students were not identified because they may have fled from the bus before officers arrived.

No one was hurt in the incident, which police allege was likely gang-related because several students on the bus are members of one gang, while Stewart is a member of another.

On Thursday, the court also played a dashboard video recording obtained from the school bus at the time of the shooting, in which multiple shots are clearly heard and children scream and duck for cover.

According to Martin Brown, crime lab supervisor for the Battle Creek Police Department, three bullets pierced the bus and two left ricochet marks. All the rounds were fired near the rear wheel well of the bus, approximately 12 to 18 inches below window level, Brown told the court Thursday.

During testimony, two of the youths maintained that Stewart was the sole shooter on Sept. 12, while the third said he witnessed a boy — who he identified only as "DePaul" — also shoot a gun at the bus.

Battle Creek Police Detective Randy Reinstein, who conducted interviews with approximately 27 passengers on the bus, said the boy was the only one who named a second shooter.

"There was no corroboration (of the second shooter) with any of the other witness interviews," Reinstein said.

A single testimony about the possibility there was another shooter — coupled with the fact that passengers ducked immediately when shots were fired — was enough to raise reasonable doubt about the shooter's identity, said Stewart's attorney, Niels Magnusson.

"Due to the confusion and lack of credibility of the witnesses across the board, all of the counts should fail," said Magnusson, who also noted that the three witnesses had been moving around the bus during the incident and may have had limited views.

"There has been no real credible evidence and testimony has been shaky at best," he said.

Calhoun County Circuit Court Judge Conrad Sindt said he felt police evidence and witness testimony were enough to follow through with weapons charges and 27 counts of felonious assault.

Citing a lack of clear intent from Stewart, Sindt dropped four charges of assault with intent to cause great bodily harm. The four charges were filed by Assistant Prosecutor Michael Lind on behalf of four individual juvenile passengers who were sitting in close proximity to bullet marks found on the bus.

"However, looking at this video, it is clear that all the passengers on this bus were victims of assault," Sindt said.

Stewart now will undergo analysis and psychological evaluation, a standard procedure in determining whether a juvenile will be charged as an adult. The evaluation period is typically completed within 28 days, Lind said.

Stewart remains lodged at the Calhoun County Juvenile Home in Marshall on a \$150,000 cash bond. Citing Stewart's exemplary behavior and strong family ties in the community, Magnusson said he plans to file a petition to reduce the bond.

Stephanie Antonian Rutherford can be reached at 966-0665 or srutherford@battlecr.gannett.com.



Young sex offender to get treatment

Friday, October 19, 2007

By Kym Reinstadler

The Grand Rapids Press

GRAND HAVEN -- Fear of being alone at night. Crying inconsolably. Panicking at the thought of being victimized again.

That's how an 18-year-old Grand Haven-area woman described her life since being sexually assaulted in her home June 2 by an intruder, a young teen who lived in the neighborhood.

The tearful victim read a statement Thursday in Ottawa County Probate Court before Judge Mark Feyen formally delayed sentencing for Fathi Cullen so the 14-year-old can enter a boys-only sex offender treatment program in Iowa.

If the boy successfully completes the 14- to 24-month program, he likely will serve an extended period of probation that could last until he turns 21. Feyen reserved the right to sentence Cullen as an adult if treatment proves unsuccessful.

"I never in my life imagined that someone would enter into my home without permission and sexually assault me, especially a 13-year-old boy," said the victim, referring to Cullen's age at the time of the assault. "I wish he could be put away forever so that no other women would have to go through with what I've gone through. Cullen is only going to get stronger and more violent as he continues to get older."

Cullen, who was abused and neglected before being adopted by Antonio and Sandra Cullen at age 4, had previous sexual misconduct offenses for which the court ordered out-patient treatment.

Feyen agreed with defense attorney Leonard Mungo that the boy should be placed in a residential treatment program but did not choose one in Michigan where Cullen would continue schooling in a co-ed setting.

Cullen -- who pleaded no contest to five felony charges stemming from the attack -- will remain confined to the Ottawa County's Juvenile Detention Center until he is transported to Woodward Academy, the boys-only facility, in a week or two, Feyen said.

The unfortunate part of the out-of-state treatment program, Feyen said, is that it separates Cullen from his parents, whom he described as "good people" whose continued emotional support will be important during treatment.

Cullen's mother apologized to the victim and her family during the proceedings.

The parents moved from River Haven Village manufactured home community in Grand Haven Township because of harassment and have been reluctant to list their new address in court records, which Feyen ordered them to do.

The boy is small for his age and is a "special needs" learner, according to Mungo.

When Feyen asked him whether he understood that he hurt someone, Cullen's barely audible response was, "Bad."

It was the only sound he made during the court appearance.

Assistant Prosecutor Jennifer Kuiper said the victim was disappointed but not surprised that Cullen is heading for treatment, not prison.

"Obviously he is someone now that society needs protection from," Kuiper said outside the court. "We hope treatment works and that we never see him back here again."

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14-year-old sentenced for attempted sexual assault

Fri, Oct 19, 2007

BY CHRIS EPPLETT

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WEST OLIVE — Tears streamed down her face as the 19-year-old Grand Haven Township woman described her feelings since she was attacked and sexually assaulted in her home on June 2.

"I don't think anyone will ever understand how much this has affected me personally, and will continue to affect me for the rest of my life," she said before Judge Mark Feyen in Ottawa County Family Court. "I never in my life imagined that someone would enter my home without permission and sexually assault me, especially a 13-year-old boy."

Fathi Cullen, now 14, was sentenced Thursday on five charges related to the June incident.

Cullen, who pleaded no contest to the five charges on Oct. 3, was sentenced to residential sex offender treatment at Woodward Academy, an all-male academy in Iowa. His treatment is expected to last around one-and-a-half to two years, depending on his progress.

The boy will remain on juvenile probation until he's 21, and Feyen will review the case every six months. The judge reserved the court's right to impose blended, or delayed, sentencing should Cullen violate his probation before the age of 21 — which would include possible adult probation and imprisonment.

Cullen entered the victim's residence on Crooked Tree Lane at Riven Haven Village mobile home park and sexually assaulted her. During the five-hour search for Cullen that afternoon, police said he also attempted to sexually assault two other girls, ages 12 and 14, in Hofma Park, west of Forest Park Drive.

The boy faces separate charges in connection to the second incident.

Fathi, the son of Antonio and Sandra Cullen, who lived in the same mobile home park as the victim at the time of the incident, was designated as an adult and faced possible adult sentencing. He instead chose to plead no contest earlier this month as part of an agreement with Feyen, including charges of attempted first-degree criminal sexual conduct, two counts of second-degree criminal sexual conduct, first-degree home invasion and interfering with electronic communications.

Although the victim says the punishment does not "equal up to the damages (Cullen) caused," Feyen said the court needed to consider the well-being of everyone involved, including Cullen's rehabilitation.

"I wish he could be put away forever so that no other women would have to go through with what I've gone through," the victim said. "Cullen is only going to get stronger and more violent as he continues to get older."

Assistant Prosecutor Jennifer Kuiper said the woman was not surprised by the sentencing, but that she was upset.

"There's never any guarantees," Kuiper said. "We're hoping we never see him again."

Meanwhile, Cullen's attorney, Leonard Mungo, said rehabilitation for Cullen was essential.

"We are not surprised, nor shocked, at the extreme emotional impression by the young lady," Mungo said. "The best interest will be served to make the focus on rehabbing this young man."

In addition to Thursday's sentencing, Cullen will be a registered sex offender. Since he is 14, he will appear only on a private sex offenders list available only to law enforcement and court officials. Once he turns 17, he will be entered on the public list, and remain on the registry for 25 years.

Cullen spoke nearly inaudibly when Feyen questioned him prior to making a final decision on his sentence, asking the boy if he understood that his actions were wrong. Cullen gave one-word responses, mostly answering "yes" to the judge's questions. When Feyen asked him how bad his actions were, Cullen simply answered "bad."

Cullen's parents also had an opportunity to make a statement in court. Sandra Cullen turned toward the victim and said, "I'm sorry from my heart."



Poor await fate of health coverage

Friday, October 19, 2007

By Christina Hildreth

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Extremely poor adults in Jackson County who rely on federal health dollars could be vulnerable now that Congress has failed to override a presidential veto on expansion of the State Children's Health Insurance Program.

The program, started in 1997, offers subsidized health insurance to 6.6 million children and some adults. It also provides the majority of funding for the Jackson County Health Plan Part A, which offers basic insurance to 700 to 900 childless adults who make \$3,573 or less annually.

Under Michigan law, childless adults who are not disabled don't qualify for Medicaid. For those 700 to 900 people, Part A is their only health insurance option.

"This is the last resort right here, other than going uninsured totally and then ending up in the emergency room," said interim county Administrator Randy Treacher, chairman of the board of directors for the Jackson County Health Plan.

A veto override vote in the House failed Thursday. Coming weeks of political haggling will decide the fate of the children's insurance portion of the program. But House Republicans who oppose the vetoed bill have taken careful aim at two provisions. One, the adult benefits waiver, allows states to use leftover children's health program money to pay for programs such as the Jackson County Health Plan Part A.

U.S. Rep. Tim Walberg, R-Tipton, has proposed a bill that forbids program money from going to poor adults. Should Walberg's bill pass without any additional legislation, the adult benefit waiver would expire on Jan. 15, 2009, and the Part A plan would fold unless the state could come up with money to cover the gap.

"The congressman's belief all along has been that the children's health-care dollars should go to help children," said Walberg spokesman Joe Wicks.

Wicks said Walberg believes adult health-care coverage should be addressed separately. Wicks did not say whether Walberg planned to address adult health care before the Jan. 2009 adult benefits waiver deadline.

With Michigan's state budget crisis, local officials are not optimistic that Plan A could be completely funded by the state. For 2008, the program has a \$1.3 million budget.

The vetoed bill would have upheld the adult benefits waiver until its expiration on Jan. 15, 2009. After expiration, the legislation would have transferred poor adults to Medicaid.

Meanwhile, Center for Family Health Executive Director Molly Kaser said her board of directors would have to consider other options if the adult benefit waiver is allowed to expire.

The Center for Family Health, a primary care public health clinic, does not turn away patients due to lack of coverage, so it would have to absorb the cost of care for about 500 adult patients who are covered under Part A.

Fortunately, administrators will have some time to consider options, Kaser said.

"Regardless of what happens with the reauthorization (of the program), nothing is going to change until next year," she said. "This is something my board will be looking at."

Oct 19, 3:55 AM EDT

Health Deal Sought After Veto Upheld

By [DAVID ESPO](#)

AP Special Correspondent

WASHINGTON (AP) -- The Democratic-controlled House failed to override President Bush's veto of a politically popular children's health bill, and the White House instantly called for compromise talks on a replacement.

"As long as the bottom line is that 10 million children are covered. That's non-negotiable," responded Speaker Nancy Pelosi, D-Calif. She pledged that new legislation would be ready within two weeks, and within hours, key lawmakers met to consider changes in the vetoed measure.

The maneuvering followed a 273-156 vote Thursday that left supporters 13 short of the two-thirds majority needed to prevail in a bruising veto struggle between congressional Democrats and a politically weakened Republican president.

It was Bush's third veto of the year. He has yet to be overridden, although Democrats say they will succeed in doing so on a water projects bill that soon will go to the White House.

"We won this round," said White House press secretary Dana Perino, despite an aggressive advertising campaign on the insurance bill by Democratic allies that was aimed at GOP lawmakers.

Democrats cited public opinion polls that showed overwhelming support for a health care expansion and they predicted some Republicans would pay a heavy price at the polls for sticking with Bush.

At a cost of \$35 billion over five years, the vetoed measure would have added nearly 4 million uninsured children to the insurance program. It provides coverage for those who are not poor enough to qualify for Medicaid, but whose families cannot afford private health care.

"You either stand with our children or you stand against them," said Rep. Jim Clyburn of South Carolina, a member of the Democratic leadership. "There is no in between."

Critics said that the bill was a step toward socialized medicine, that too many adults benefited and that despite an explicit prohibition, it would allow the children of illegal immigrants to gain coverage.

Democrats do "not want a low income children's plan," said Rep. Dave Camp, R-Mich.

"They want what Hillary Clinton called for in 1994, the first step toward government run insurance for all," he said. As first lady, she unsuccessfully pushed a plan for universal coverage.

Within an hour of the vote, both sides were staking out their ground for compromise talks.

Perino said Bush wants to "take care of poor children first" and was willing to spend more than he has proposed. Going one step further, senior congressional Republicans said it might be possible to cover additional lower-income adults, as long as the states first enrolled 90 percent or 95 percent of their eligible children.

Not long after Perino spoke, key House and Senate Democrats, joined by two Senate Republican supporters of the vetoed bill, met to consider revisions.

While Pelosi made insuring 10 million children a non-negotiable demand, Democratic officials were looking at possible changes in at least two areas.

One would attempt to address the GOP claim that illegal immigrants could obtain coverage, while also assuring that the eligible children without birth certificates are not turned away.

A second was aimed at negating what the Democratic officials said was an inaccurate charge by Republicans that children in some families that are making over \$80,000 would qualify for coverage.

At issue was a request from New York officials to cover children from families with incomes up to four times the federal poverty level. The Bush administration denied the request, but officials said it was possible the revised bill might impose a ban to remove any doubt.

Under the 10-year-old program, children from families with incomes of up to 200 percent of the federal poverty level - about \$41,300 for a family of four - are eligible.

Several states are permitted to enroll children from better-off families, and some cover lower-income adults as well. Ironically, given the complaints from Republicans, many of these states received permission from the administration to expand eligibility.

Republicans had predicted for days they would have the votes to sustain the veto. Democrats held off on the showdown for two weeks to give their allies time to run television and radio advertisements, hold political rallies and make thousands of phone calls.

The campaign failed and miserably so.

While 44 Republicans joined with 229 Democrats in voting to override, none had opposed the bill when it originally cleared the House last month. Two Democrats and 154 Republicans voted to sustain Bush's action.

While the outcome was not in doubt, tempers flared when Rep. Pete Stark, D-Calif., brought the Iraq war into the debate.

"You don't have money to fund the war or children," he told Republicans. "But you're going to spend it to blow up innocent people if we can get enough kids to grow old enough for you to send to Iraq to get their heads blown off for the president's amusement."

Republicans condemned the remark.

"Congressman Stark should retract his statement and apologize to the House, our commander in chief, and the families of our soldiers and commanders fighting terror overseas," said Rep. John Boehner of Ohio, the House Republican leader.

The legislation contained an increase in tobacco taxes to pay for the expanded health coverage, including a 61-cent increase on the current 39-cent-per-pack tax on cigarettes.

While Perino said Bush does not "believe we need to raise taxes on this," she did not rule one out. Few congressional Republicans have objected publicly to the proposed increase.

Rep. Jim McCrery, R-La., said Democrats had failed to pay for the program in full. Citing estimates by the Congressional Budget Office, he said supporters would need to find an additional \$40 billion or terminate health coverage for 6 million eligible children beginning in 2012.

BRIAN DICKERSON

Why Miller rebelled on health veto

October 19, 2007

BY BRIAN DICKERSON

FREE PRESS COLUMNIST

Conspicuous among those who voted to override President George W. Bush's veto of a bill that would have extended health care coverage to an additional 80,000 Michigan children was U.S. Rep. Candice Miller of Harrison Township, one of just 44 Republicans who broke ranks with the White House in Thursday's congressional showdown.

About one in four members of the GOP minority joined the Democratic majority in an unsuccessful bid to broaden eligibility for the State Children's Health Insurance Program, also known as SCHIP.

Advertisement

But Miller was the only southeast Michigan renegade. The region's four other GOP House members -- Joe Knollenberg of Bloomfield Township, Thaddeus McCotter of Livonia, Mike Rogers of Brighton and Tim Walberg of Tipton -- all voted to sustain the veto.

Miller's defection was significant because she has cast herself as a fiscal conservative and staunch opponent of public health benefits for undocumented workers.

Thursday morning, about an hour before she voted to override the SCHIP veto, I asked her about Republican contentions that the bill would extend coverage to working-class families who didn't need it and illegal immigrants who didn't deserve it.

A vaccination too far?

"I'm willing to take the risk that there may be some children of middle-class families who qualify," Miller said -- a position that squares with national polling data indicating popular support for SCHIP even if some uninsured children whose parents can afford private health policies are covered.

Miller also thinks the risk that undocumented workers will exploit SCHIP benefits is exaggerated. The bill Bush vetoed excluded immigrants unless they'd been legal residents of the United States for at least five years, but opponents argued that undocumented workers would falsify Social Security numbers.

Cynics may argue that Miller's rare breach of party discipline was more calculated than principled, noting that her vote placated Democrats in her closely divided district without incurring any risk that the override would actually succeed.

But Miller insisted GOP leaders have always recognized that fidelity to her working-class constituents would require occasional demonstrations of her legislative independence. "My leadership has never been very hard on me," she said.

What's gender got to do with it?

Besides being the only southeast Michigan Republican to break ranks on SCHIP, Miller is the only woman in the state GOP delegation. Did her life experience as a mother make her more reluctant, I wondered, to limit medical coverage for uninsured children?

"I've never played the woman thing," she replied quickly. "I don't play woman politics."

Her vote for SCHIP, the congresswoman insisted, was a reasonable response to the suffering she sees in her blue-collar county every week.

"In Macomb County, there's a lot of need right now, even though people are embarrassed to tell you about it," Miller said. "To me, this isn't a gender thing."

Grand Rapids Press

Letters

Friday, October 19, 2007

Insurance for kids

I urge Congress to override the veto of the SCHIP program by President Bush. No child, no person for that matter, should be without health care because they cannot afford it.

With outrageous health care costs in this country and equally high health insurance costs it is a shame that we don't do a better job of providing for the health and well-being of our citizens.

I have been without health care for two years because I don't have the money. Luckily, I haven't gotten injured or had a major illness during this time.

But it is a constant concern. The system needs to be fixed.

Overturn the veto on SCHIP and start providing for the children in this country. They are our future!

-- JENNIFER BEAHAN
Grand Rapids



Food bank withdrawals high

Friday, October 19, 2007

By Morgan Jarema

The Grand Rapids Press

John Arnold fielded an unexpected request when he spoke this spring at an Ada Township church.

The executive director of Second Harvest Gleaners Food Bank of West Michigan said church officials told him they were interested in taking part in the agency's mobile food pantry.

"I told them I would be happy to link them with an inner-city school or church they could donate to," Arnold recalled. "They said 'No, you don't understand. We need the pantry here, right now, for our residents.'"

With belt-tightening at the state and individual level across Michigan, many families are feeling the pinch at their dinner tables.

And the face of those who turn to food pantries is changing.

Supplies at the state's regional food banks have dropped to critical levels, according to the Food Bank Council of Michigan.

Officials at Second Harvest, headquartered in Plainfield Township, expect to be part of a statewide, 37-million-pound shortfall in food inventories this year.

Second Harvest provides product for more than 1,200 church food pantries, homeless shelters, soup kitchens, domestic violence shelters, rescue missions and other charitable agencies across 40 Michigan counties. It has distributed 7 percent more product already this year than in 2006.

Put another way, the agency last year distributed 19.2 million pounds of food and other goods -- nearly a million pounds every 19 days.

"Pantries are really worried about having to turn people away," said Jane Marshall, executive director of the Food Bank Council, a statewide organization that helps stock member programs in all 83 Michigan counties.

"It's been more or less an unrelenting increase (in demand) for quite some time," Arnold said.

"Now, as companies have left the state and wages have failed to increase with the cost of living, plus the news that Social Security benefits will go up much smaller than most seniors' expenses are going up, we're seeing lots of new faces.

"It's not the worst it's ever been," he said, "but it's on the bad side of things, and getting worse."

Food Bank Council officials cite Michigan's rate of use as the highest in the nation, the 13.3 percent of residents living at or below the poverty line and the 305,000 jobs Michigan has lost since 2001 as key factors contributing to the rise in demand and drop in supply.

But there are some bright spots. ACCESS of West Michigan, which oversees the Food Pantry Network of Kent County and gets much of its stock from Second Harvest, held its 11th annual communitywide drive Oct. 13 and collected an estimated 100 tons of food, up from about 95 tons in 2006.

Nancy Reenders, ACCESS food program coordinator, said the agency widened its collection area this year for the drive and had more people volunteer.

"That's been true before, that when there's tough economic times, people come through," Reenders said of the need for help.

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Friday, October 19, 2007

Detroit News investigation

Tax breaks for needy abused

Property tax exemptions go to well-heeled; Detroit hardship panel asks few questions, gets little oversight

David Josar / The Detroit News

DETROIT -- A little-known city committee empowered to give property tax exemptions to needy residents has awarded tax breaks worth thousands of dollars to apparently well-to-do homeowners, a three-month investigation by The Detroit News has found. In some of the most egregious cases, people who own multiple houses, drive luxury vehicles and live in homes worth more than \$500,000 have been granted "hardship exemptions" by the nine-member committee, which is appointed by the Detroit City Council.

The Hardship Committee keeps no notes, meets in private, has no staff and conducts no investigations of applicants. It has granted more than 14,000 applications totaling \$15 million in tax exemptions over the past seven years.

Advertisement In many cases, the hardship claims are legitimate and have provided tax relief to people living well below the poverty line. But in other instances, the committee has taken the word of well-off residents who have pleaded poverty.

"This is very, very serious," Councilwoman Sheila Cockrel said Thursday. "Even if we have to take criticism, I'll do my part that this is dealt with."

Among The News' findings:

- The program is intended for property owners whose income is below the federal poverty guidelines and with assets of \$5,000 or less, but that requirement is routinely waived or ignored by committee members.
- More than 300 residents who pleaded poverty drive luxury vehicles such as Cadillacs, Lexuses, Land Rovers and Corvettes. In five cases, people receiving exemptions had four or more cars; three had boats.
- More than 100 either did not live at the homes for which they obtained tax breaks, or owned other properties as well.
- 350 of those who received reprieves this year have gotten the breaks each year for the past seven. In some other Michigan communities with hardship programs, exemptions are capped at two consecutive years.
- 70 senior citizens got tax breaks even though they had received reverse mortgages with an average lump-sum payment of \$120,000. Those who get reverse mortgages make no payments on them until the homeowner dies, sells or moves.
- More than half of the people who claimed they couldn't afford their taxes nonetheless met mortgage requirements -- many for loans worth more than the purchase price of their home.
- While a home may be owned by several people, some applicants listed just the poorest owner. In other cases, only one owner was listed, and the wealthier party's assets weren't disclosed. One owner of a home in the Woodbridge Historic District, for example, lived in an \$800,000 Bloomfield Hills condo and drove a Corvette; the co-owner and applicant, who lived in the home on Avery, earned less than \$20,000 a year.
- Tax breaks were granted to homes owned by five people who had been dead at least three years.
- Since 2001, the earliest that records were available, to 2006, the number of exemptions has grown 139 percent. Of the 2,919 applications the city received from January through mid-May this year, just 17 percent were rejected by the board, according to city records.

After getting wind of The News' investigation this week, the Detroit City Council scheduled a private meeting with its lawyers today to discuss the Hardship Committee.

The tax exemptions, originally intended to help the needy save their homes, have never been audited.

"We just have to go by what people tell us," said Mattie Johnson, 83, who has been on the committee for eight years. "We can't do any investigating."

When asked how a person can afford to drive a Cadillac Escalade, yet be exempt from taxes, Johnson said: "Poverty is measured different ways. Just because you have a Cadillac doesn't mean you're rich."

Representatives of the mayor's office are concerned by some of the tax breaks, but said their hands are tied. Detroit's projected deficit for the fiscal year that ended in July is nearly \$70 million, according to a City Council estimate this month.

"We have no say over who gets the exemptions," said Linda Bade, the city's chief assessor. "This is all City Council." The mayor has no say in appointing Hardship Committee members and he cannot veto any exemptions they grant.

Lawyers to reveal findings

Through the Freedom of Information Act, The Detroit News reviewed records of people who had gotten tax breaks, as well as their addresses and the amount of forgiven taxes dating to 2001. The city provided heavily redacted copies of a handful of actual applications; city attorneys said much of the information they contained -- such as household income and the number of people living at an address -- is personal and cannot be released.

As part of the probe, The News also gathered information from county and court records.

After The News requested city records, attorneys in the city law department began inquiring about the program, too. At today's closed-door meeting, the lawyers will reveal what they found, and outline the council's options for addressing those findings.

Today's meeting was called by Councilwoman JoAnn Watson on Tuesday, a day after The News contacted her appointee to the Hardship Committee, Roslyn Trotter, to ask how Trotter's attorney, Bobby Joe Frierson, ended up with a \$6,128 tax break on his \$335,000 home in Sherwood Forest -- one of the city's most fashionable neighborhoods. Its previous owner was ex-Detroit school superintendent Eddie Greene.

Frierson is representing Trotter, a Detroit Institute of Arts board member, in a civil case.

Bobby Joe Frierson's wife, Santranina Frierson, got the exemption after she made a sworn statement to the Hardship Committee that she was widowed. But Bobby Joe Frierson, who is listed as Santranina Frierson's husband on their mortgage documents and property deeds, is not dead. He was in Wayne County Circuit Court on Oct. 12, representing Trotter.

Trotter was one of two Hardship Committee members who approved the exemption for Frierson's home. Neither Trotter nor the Friersons returned repeated telephone calls seeking comment.

The nine members of the Hardship Committee break into teams of three to evaluate whether a person will get an exemption; two votes are needed.

In 2004, Karla Harper bought a \$160,000 home in the 14000 block of Rutland, putting down 10 percent and borrowing the rest. Later that year, she briefly shared ownership of the property with Sean Tidwell, who continues to register a business to that address. Tidwell characterized the transaction as inadvertent and described Harper as a friend.

Later, Tidwell was appointed to the Hardship Committee by Councilwoman Martha Reeves. In 2006 and 2007, Harper applied for and was awarded a \$5,657 tax break by the committee, although Tidwell did not vote on her application. Tidwell said Harper, who did not return phone calls, has been sick in recent years.

Home 'is all I have'

In 1980, the Michigan Legislature passed a well-intentioned law giving communities the discretion to temporarily suspend property tax bills for homeowners with incomes at or below the federal poverty level. Today, that benchmark is \$20,650 for a family of four. Leomy Smith, 74, is almost certainly the kind of person lawmakers had in mind.

Her home on Parkside in Detroit's University District, which she has owned since 1978, "is all I have, even though it's the worst house in the block," Smith said.

Her storm door is broken, the blinds are torn, windows are cracked and the mail slot has been mangled. There is little furniture in the home that Smith shares with her unemployed daughter, two teen-aged grandsons and a mentally disabled nephew.

"If I didn't get it (the exemption) I'd lose my house and I don't know where I'd live," Smith said.

Her tax break, which she has been receiving since at least 2001, is worth \$4,800 a year. Her annual income, she said, is under \$8,000 a year.

A Kenilworth exemption

Pia Robertson's case isn't so clear. Robertson drives a 2006 Land Rover and owns a home in the 300 block of Kenilworth with an above-ground pool and a television satellite dish. She was awarded a \$4,413 tax break in 2006, and says she deserves it.

"I'm needy," Robertson shouted as she walked out of her home and rode off in a 2007 cream-colored Escalade with temporary plates.

Robertson, who earned a degree from Wayne State, bought the house for \$60,000 in 2003 with a \$6,000 down payment. In 2005, she paid off the home loan, took out a new \$100,000 mortgage and got the tax exemption the next year.

"I don't have to explain anything," Robertson said when asked why she couldn't pay her taxes.

Her neighbor, retired cafeteria worker Meredith Kominsky, 77, is puzzled by Robertson's tax break.

"There is no way this is fair," said Kominsky, who pays \$1,000 a year in taxes.

She believes taxes are high in Detroit -- and at 69 mills, they are -- but says paying them is a part of civic responsibility.

"I could use the extra \$1,000 a year to buy me some extras, but that's my duty," she said. "I get police protection. I get my street cleaned. I get my trash picked up. That stuff ain't free."

City Council's role

Until sometime in the 1980s or 1990s -- no one seems to know, exactly -- the Detroit City Council vetted hardship applications itself. But it handed that duty to the committee, whose members are paid \$200 per meeting.

Other Michigan communities imposed restrictions on hardship exemptions, such as limiting the number of tax-exempt years; capping the value of homes that can be exempted; and setting a ceiling on the assets that an applicant can have and still get an assessment.

But in Detroit, City Council oversight of the process is lax and the definition of who should get a tax exemption is vague. The applicants' income threshold is routinely waived, and unlike other communities, Detroit does not set a maximum limit on the value of homes seeking tax forgiveness.

The most expensive home pardoned from the tax rolls during the period reviewed was in 2004 -- a mansion in Detroit's upscale Palmer Woods neighborhood that sold in February 2005 for \$525,000.

According to Detroit's application guidelines, a property owner may have assets, in addition to the home, of no more than \$5,000. But in their notarized applications, many property owners failed to list additional homes, vehicles or cash they received from reverse mortgages, home equity loans and other financial instruments.

Jasper and Constance Williams, who live just north of New Center in a run-down brick home, did not report that they owned a rental home on the west side. They drive a late-model Escalade and a Cadillac STS.

Oscar Lucas, the 76-year-old owner of home in an upscale section of West Outer Drive, did not disclose he had gotten a check for \$247,500 in a reverse mortgage for his home -- money that only must be repaid if he moves or dies. He slammed the door on a reporter asking about his tax break.

Charleszetta Lynn Cotton, 53, lives in a well-maintained, 4,000-square-foot, three-bath home on Atkinson in Boston-Edison. Since 2003, she's gotten tax breaks totaling \$15,268.

She says looks can be deceiving. "I'm entitled to help when I need it," said Cotton, explaining that she was laid off from her job at General Electric in 2000 and can't work due to asthma.

"I'd lose this house if I didn't get the break."

Cotton shares the brick home with her husband, Tyrone, 46, and her daughter, Jamayea Cheeks, 32. Neither works, Cotton said. On her 2007 application for the tax break, Cotton wrote that she was separated from her husband and didn't know where he was. When a reporter stopped by this week, her husband -- who she said can't work because of a bad back -- was in the living room, watching a wall-size color TV.

She said she and her daughter together lease the 2005 Chrysler Pacifica in their driveway.

Cotton said ongoing renovation projects were accomplished by getting contractors to install materials she found on clearance at Lowe's.

"We're struggling. I still have funeral expenses from when my sister died in January," she said.

Council President Kenneth V. Cockrel Jr. said Thursday he is "concerned" about the Hardship Committee's work and the questions raised by The News' investigation, but added there was little he can say pending advice from the city's law department and the possibility of a criminal investigation.

"We're committed to finding out all the facts," he said.

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